

STATEMENT UNDER ARTICLE 19(1)

With reference to the International Search Report issued on November 29, 2004, we herebelow provide our comments:

WO 99/6189 (D1): Although this document describes a fixed-focus ovulation tester, the device does not take care of dioptric variations of unaided eyes and hence is not compatible with a large segment of people with long or short sighted unaided eyes. The device has EIGHT glass-air surfaces, which makes its contrast poor. Further, the device contains 4 air spaces and is not easily air sealable. Finally, the diameter of the device is about 5 inches and hence, it is not handy.

5,572,370 (D2): This document does not teach a sealed fixed-focus device. Since it is not possible seal a focusable eyepiece assembly, clarity and contrast would gradually deteriorate due to dust and condensation getting inside. It has 12 glass-air surfaces due to which the contrast is poor. Since the device incorporates separate transparent plate for application of saliva, the user may focus on wrong side of slide and obtain wrong diagnosis.

The main object of the present invention is to provide a fixed focus ovulation tester which could be used by used by people suffering from myopia or hypermetropia to view the samples using unaided eyes.

Although the eyepiece assembly shown in D1 provides an easy-to-operate fixed-focus tester, the images produced by such device are not clear to all users since they do not take into consideration dioptric variations.

Although the device of D2 accommodates for dioptric variations, it is not user-friendly since lot of adjustment is required to be performed every time to bring the object into focus.

Even if it is assumed that a person skilled in the art combines the teachings of the cited documents, in the manner suggested by the Examiner, still he would not be able to come up with a device which is fixed focus as well as which takes into consideration of the dioptric variations of the unaided eye.

In the present application the inventors have been able to provide a solution that overcomes all the above-mentioned difficulties by providing a completely sealed fixed-focus eyepiece assembly, wherein the biological-specimen receiving portion forms part of the magnifying lens and the sealed fixed-focus eyepiece assembly accommodates for dioptric variations up to about ± 4 diopters of unaided eye. Complete sealing of the eyepiece avoids deterioration due to dust, condensation, external environmental conditions and abrasions during use. Removal of the separate plate for application of biological-specimen and re-use of the plane surface of the magnifying lens for the purpose of application of biological-specimen results in lesser number of glass to air surfaces, thereby resulting better contrast, which is one of the most important features of the present invention, which is not being taught by any one in the prior art documents. Last but not the least, masking of the illuminating source placed below the eyepiece (using a diaphragm) increases depth of focus of the image produced by the eyepiece, thereby accommodating for the dioptric variations of unaided eyes.

It is respectfully submitted that all the three above-mentioned novel and inventive features of the present invention (all three in combination) are not being taught by documents D1 and D2 either taken individually or in combination and hence, the Examiner is requested to reconsider and waive the objections.